

S. CON. RES. 95

CONCURRENT RESOLUTION

1 *Resolved by the Senate (the House of Representatives*
2 *concurring),*

3 **SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET**
4 **FOR FISCAL YEAR 2005.**

5 (a) DECLARATION.—Congress declares that this reso-
6 lution is the concurrent resolution on the budget for fiscal
7 year 2005 including the appropriate budgetary levels for
8 fiscal years 2006 through 2009 as authorized by section
9 301 of the Congressional Budget Act of 1974 (2 U.S.C.
10 632).

11 (b) TABLE OF CONTENTS.—The table of contents for
12 this concurrent resolution is as follows:

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1 **TITLE I—LEVELS AND AMOUNTS**

2 **SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.**

3 The following budgetary levels are appropriate for the
4 fiscal years 2005 through 2009:

5 (1) FEDERAL REVENUES.—For purposes of the
6 enforcement of this resolution—

7 (A) The recommended levels of Federal
8 revenues are as follows:

9 Fiscal year 2005: \$1,453,714,000,000.

10 Fiscal year 2006: \$1,615,655,000,000.

11 Fiscal year 2007: \$1,730,119,000,000.

12 Fiscal year 2008: \$1,822,516,000,000.

13 Fiscal year 2009: \$1,925,154,000,000.

14 (B) The amounts by which the aggregate
15 levels of Federal revenues should be changed
16 are as follows:

17 Fiscal year 2005: −\$23,420,000,000.

18 Fiscal year 2006: −\$38,526,000,000.

19 Fiscal year 2007: −\$24,825,000,000.

20 Fiscal year 2008: −\$23,274,000,000.

1 Fiscal year 2009: —\$27,906,000,000.

2 (2) NEW BUDGET AUTHORITY.—For purposes
3 of the enforcement of this resolution, the appropriate
4 levels of total new budget authority are as follows:

5 Fiscal year 2005: \$1,958,150,000,000.

6 Fiscal year 2006: \$2,072,497,000,000.

7 Fiscal year 2007: \$2,187,109,000,000.

8 Fiscal year 2008: \$2,294,017,000,000.

9 Fiscal year 2009: \$2,397,359,000,000.

10 (3) BUDGET OUTLAYS.—For purposes of the
11 enforcement of this resolution, the appropriate levels
12 of total budget outlays are as follows:

13 Fiscal year 2005: \$1,968,807,000,000.

14 Fiscal year 2006: \$2,061,467,000,000.

15 Fiscal year 2007: \$2,161,380,000,000.

16 Fiscal year 2008: \$2,263,755,000,000.

17 Fiscal year 2009: \$2,363,932,000,000.

18 (4) DEFICITS.—For purposes of the enforce-
19 ment of this resolution, the amounts of the deficits
20 are as follows:

21 Fiscal year 2005: —\$515,093,000,000.

22 Fiscal year 2006: —\$445,812,000,000.

23 Fiscal year 2007: —\$431,261,000,000.

24 Fiscal year 2008: —\$441,239,000,000.

25 Fiscal year 2009: —\$438,778,000,000.

1 (5) DEBT SUBJECT TO LIMIT.—The appropriate
2 levels of the public debt are as follows:

3 Fiscal year 2005: \$8,052,710,000,000.

4 Fiscal year 2006: \$8,624,516,000,000.

5 Fiscal year 2007: \$9,178,616,000,000.

6 Fiscal year 2008: \$9,742,730,000,000.

7 Fiscal year 2009: \$10,308,215,000,000.

8 (6) DEBT HELD BY THE PUBLIC.—The appro-
9 priate levels of the debt held by the public are as fol-
10 lows:

11 Fiscal year 2005: \$4,741,120,000,000.

12 Fiscal year 2006: \$5,009,410,000,000.

13 Fiscal year 2007: \$5,247,139,000,000.

14 Fiscal year 2008: \$5,479,268,000,000.

15 Fiscal year 2009: \$5,696,111,000,000.

16 **SEC. 102. SOCIAL SECURITY.**

17 (a) SOCIAL SECURITY REVENUES.—For purposes of
18 Senate enforcement under sections 302 and 311 of the
19 Congressional Budget Act of 1974, the amounts of reve-
20 nues of the Federal Old-Age and Survivors Insurance
21 Trust Fund and the Federal Disability Insurance Trust
22 Fund are as follows:

23 Fiscal year 2005: \$572,314,000,000.

24 Fiscal year 2006: \$600,902,000,000.

25 Fiscal year 2007: \$629,333,000,000.

1 Fiscal year 2008: \$658,731,000,000.

2 Fiscal year 2009: \$689,620,000,000.

3 (b) SOCIAL SECURITY OUTLAYS.—For purposes of
4 Senate enforcement under sections 302 and 311 of the
5 Congressional Budget Act of 1974, the amounts of outlays
6 of the Federal Old-Age and Survivors Insurance Trust
7 Fund and the Federal Disability Insurance Trust Fund
8 are as follows:

9 Fiscal year 2005: \$396,159,000,000.

10 Fiscal year 2006: \$406,390,000,000.

11 Fiscal year 2007: \$419,424,000,000.

12 Fiscal year 2008: \$433,487,000,000.

13 Fiscal year 2009: \$450,288,000,000.

14 (c) SOCIAL SECURITY ADMINISTRATIVE EX-
15 PENSES.—In the Senate, the amounts of new budget au-
16 thority and budget outlays of the Federal Old-Age and
17 Survivors Insurance Trust Fund and the Federal Dis-
18 ability Insurance Trust Fund for administrative expenses
19 are as follows:

20 Fiscal year 2005:

21 (A) New budget authority,
22 \$4,249,000,000.

23 (B) Outlays, \$4,264,000,000.

24 Fiscal year 2006:

1 (A) New budget authority,
2 \$4,352,000,000.

3 (B) Outlays, \$4,335,000,000.

4 Fiscal year 2007:

5 (A) New budget authority,
6 \$4,477,000,000.

7 (B) Outlays, \$4,457,000,000.

8 Fiscal year 2008:

9 (A) New budget authority,
10 \$4,617,000,000.

11 (B) Outlays, \$4,594,000,000.

12 Fiscal year 2009:

13 (A) New budget authority,
14 \$4,762,000,000.

15 (B) Outlays, \$4,738,000,000.

16 **SEC. 103. MAJOR FUNCTIONAL CATEGORIES.**

17 Congress determines and declares that the appro-
18 priate levels of new budget authority, budget outlays, new
19 direct loan obligations, and new primary loan guarantee
20 commitments for fiscal years 2005 through 2009 for each
21 major functional category are:

22 (1) National Defense (050):

23 Fiscal year 2005:

24 (A) New budget authority,
25 \$422,157,000,000.

1 (B) Outlays, \$449,442,000,000.

2 Fiscal year 2006:

3 (A) New budget authority,

4 \$445,708,000,000.

5 (B) Outlays, \$442,157,000,000.

6 Fiscal year 2007:

7 (A) New budget authority,

8 \$456,148,000,000.

9 (B) Outlays, \$441,732,000,000.

10 Fiscal year 2008:

11 (A) New budget authority,

12 \$467,482,000,000.

13 (B) Outlays, \$451,564,000,000.

14 Fiscal year 2009:

15 (A) New budget authority,

16 \$479,494,000,000.

17 (B) Outlays, \$463,106,000,000.

18 (2) International Affairs (150):

19 Fiscal year 2005:

20 (A) New budget authority,

21 \$31,970,000,000.

22 (B) Outlays, \$34,032,000,000.

23 Fiscal year 2006:

24 (A) New budget authority,

25 \$34,855,000,000.

1 (B) Outlays, \$33,192,000,000.

2 Fiscal year 2007:

3 (A) New budget authority,

4 \$35,499,000,000.

5 (B) Outlays, \$31,746,000,000.

6 Fiscal year 2008:

7 (A) New budget authority,

8 \$35,856,000,000.

9 (B) Outlays, \$31,640,000,000.

10 Fiscal year 2009:

11 (A) New budget authority,

12 \$35,912,000,000.

13 (B) Outlays, \$32,059,000,000.

14 (3) General Science, Space, and Technology (250):

15 Fiscal year 2005:

16 (A) New budget authority,

17 \$24,278,000,000.

18 (B) Outlays, \$23,752,000,000.

19 Fiscal year 2006:

20 (A) New budget authority,

21 \$25,412,000,000.

22 (B) Outlays, \$24,863,000,000.

23 Fiscal year 2007:

24 (A) New budget authority,

25 \$26,269,000,000.

1 (B) Outlays, \$25,613,000,000.

2 Fiscal year 2008:

3 (A) New budget authority,

4 \$26,499,000,000.

5 (B) Outlays, \$25,914,000,000.

6 Fiscal year 2009:

7 (A) New budget authority,

8 \$26,547,000,000.

9 (B) Outlays, \$26,095,000,000.

10 (4) Energy (270):

11 Fiscal year 2005:

12 (A) New budget authority,

13 \$1,093,000,000.

14 (B) Outlays, −\$546,000,000.

15 Fiscal year 2006:

16 (A) New budget authority,

17 \$2,762,000,000.

18 (B) Outlays, \$1,653,000,000.

19 Fiscal year 2007:

20 (A) New budget authority,

21 \$2,781,000,000.

22 (B) Outlays, \$1,214,000,000.

23 Fiscal year 2008:

24 (A) New budget authority,

25 \$2,501,000,000.

1 (B) Outlays, \$601,000,000.

2 Fiscal year 2009:

3 (A) New budget authority,

4 \$2,082,000,000.

5 (B) Outlays, \$718,000,000.

6 (5) Natural Resources and Environment (300):

7 Fiscal year 2005:

8 (A) New budget authority,

9 \$36,160,000,000.

10 (B) Outlays, \$31,191,000,000.

11 Fiscal year 2006:

12 (A) New budget authority,

13 \$32,909,000,000.

14 (B) Outlays, \$33,529,000,000.

15 Fiscal year 2007:

16 (A) New budget authority,

17 \$32,895,000,000.

18 (B) Outlays, \$34,099,000,000.

19 Fiscal year 2008:

20 (A) New budget authority,

21 \$32,825,000,000.

22 (B) Outlays, \$33,879,000,000.

23 Fiscal year 2009:

24 (A) New budget authority,

25 \$33,523,000,000.

1 (B) Outlays, \$33,974,000,000.

2 (6) Agriculture (350):

3 Fiscal year 2005:

4 (A) New budget authority,
5 \$21,746,000,000.

6 (B) Outlays, \$20,976,000,000.

7 Fiscal year 2006:

8 (A) New budget authority,
9 \$23,806,000,000.

10 (B) Outlays, \$22,574,000,000.

11 Fiscal year 2007:

12 (A) New budget authority,
13 \$24,698,000,000.

14 (B) Outlays, \$23,509,000,000.

15 Fiscal year 2008:

16 (A) New budget authority,
17 \$24,604,000,000.

18 (B) Outlays, \$23,483,000,000.

19 Fiscal year 2009:

20 (A) New budget authority,
21 \$25,563,000,000.

22 (B) Outlays, \$24,623,000,000.

23 (7) Commerce and Housing Credit (370):

24 Fiscal year 2005:

1 (A) New budget authority,
2 \$7,864,000,000.

3 (B) Outlays, \$2,935,000,000.

4 Fiscal year 2006:

5 (A) New budget authority,
6 \$8,041,000,000.

7 (B) Outlays, \$2,593,000,000.

8 Fiscal year 2007:

9 (A) New budget authority,
10 \$9,141,000,000.

11 (B) Outlays, \$3,406,000,000.

12 Fiscal year 2008:

13 (A) New budget authority,
14 \$9,336,000,000.

15 (B) Outlays, \$2,550,000,000.

16 Fiscal year 2009:

17 (A) New budget authority,
18 \$9,826,000,000.

19 (B) Outlays, \$2,766,000,000.

20 (8) Transportation (400):

21 Fiscal year 2005:

22 (A) New budget authority,
23 \$69,985,000,000.

24 (B) Outlays, \$68,390,000,000.

25 Fiscal year 2006:

1 (A) New budget authority,
2 \$70,923,000,000.

3 (B) Outlays, \$70,998,000,000.

4 Fiscal year 2007:

5 (A) New budget authority,
6 \$71,428,000,000.

7 (B) Outlays, \$72,207,000,000.

8 Fiscal year 2008:

9 (A) New budget authority,
10 \$71,760,000,000.

11 (B) Outlays, \$72,571,000,000.

12 Fiscal year 2009:

13 (A) New budget authority,
14 \$72,241,000,000.

15 (B) Outlays, \$72,597,000,000.

16 (9) Community and Regional Development (450):

17 Fiscal year 2005:

18 (A) New budget authority,
19 \$13,897,000,000.

20 (B) Outlays, \$14,986,000,000.

21 Fiscal year 2006:

22 (A) New budget authority,
23 \$13,682,000,000.

24 (B) Outlays, \$15,220,000,000.

25 Fiscal year 2007:

1 (A) New budget authority,
2 \$13,851,000,000.

3 (B) Outlays, \$14,321,000,000.

4 Fiscal year 2008:

5 (A) New budget authority,
6 \$13,979,000,000.

7 (B) Outlays, \$13,818,000,000.

8 Fiscal year 2009:

9 (A) New budget authority,
10 \$14,150,000,000.

11 (B) Outlays, \$13,913,000,000.

12 (10) Education, Training, Employment, and Social
13 Services (500):

14 Fiscal year 2005:

15 (A) New budget authority,
16 \$100,414,000,000.

17 (B) Outlays, \$89,304,000,000.

18 Fiscal year 2006:

19 (A) New budget authority,
20 \$95,314,000,000.

21 (B) Outlays, \$94,577,000,000.

22 Fiscal year 2007:

23 (A) New budget authority,
24 \$95,628,000,000.

25 (B) Outlays, \$93,799,000,000.

1 Fiscal year 2008:

2 (A) New budget authority,

3 \$95,858,000,000.

4 (B) Outlays, \$94,262,000,000.

5 Fiscal year 2009:

6 (A) New budget authority,

7 \$96,168,000,000.

8 (B) Outlays, \$94,684,000,000.

9 (11) Health (550):

10 Fiscal year 2005:

11 (A) New budget authority,

12 \$252,299,000,000.

13 (B) Outlays, \$247,712,000,000.

14 Fiscal year 2006:

15 (A) New budget authority,

16 \$254,677,000,000.

17 (B) Outlays, \$255,618,000,000.

18 Fiscal year 2007:

19 (A) New budget authority,

20 \$267,998,000,000.

21 (B) Outlays, \$27,754,000,000.

22 Fiscal year 2008:

23 (A) New budget authority,

24 \$286,815,000,000.

25 (B) Outlays, \$286,525,000,000.

1 Fiscal year 2009:

2 (A) New budget authority,
3 \$307,860,000,000.

4 (B) Outlays, \$305,533,000,000.

5 (12) Medicare (570):

6 Fiscal year 2005:

7 (A) New budget authority,
8 \$287,513,000,000.

9 (B) Outlays, \$288,654,000,000.

10 Fiscal year 2006:

11 (A) New budget authority,
12 \$322,517,000,000.

13 (B) Outlays, \$322,035,000,000.

14 Fiscal year 2007:

15 (A) New budget authority,
16 \$361,999,000,000.

17 (B) Outlays, \$362,277,000,000.

18 Fiscal year 2008:

19 (A) New budget authority,
20 \$386,753,000,000.

21 (B) Outlays, \$386,795,000,000.

22 Fiscal year 2009:

23 (A) New budget authority,
24 \$412,922,000,000.

25 (B) Outlays, \$412,515,000,000.

1 (13) Income Security (600):

2 Fiscal year 2005:

3 (A) New budget authority,
4 \$337,868,000,000.

5 (B) Outlays, \$342,111,000,000.

6 Fiscal year 2006:

7 (A) New budget authority,
8 \$343,354,000,000.

9 (B) Outlays, \$346,782,000,000.

10 Fiscal year 2007:

11 (A) New budget authority,
12 \$348,271,000,000.

13 (B) Outlays, \$350,920,000,000.

14 Fiscal year 2008:

15 (A) New budget authority,
16 \$361,670,000,000.

17 (B) Outlays, \$363,674,000,000.

18 Fiscal year 2009:

19 (A) New budget authority,
20 \$371,602,000,000.

21 (B) Outlays, \$373,123,000,000.

22 (14) Social Security (650):

23 Fiscal year 2005:

24 (A) New budget authority,
25 \$15,214,000,000.

1 (B) Outlays, \$15,214,000,000.

2 Fiscal year 2006:

3 (A) New budget authority,

4 \$16,779,000,000.

5 (B) Outlays, \$16,779,000,000.

6 Fiscal year 2007:

7 (A) New budget authority,

8 \$18,269,000,000.

9 (B) Outlays, \$18,269,000,000.

10 Fiscal year 2008:

11 (A) New budget authority,

12 \$20,218,000,000.

13 (B) Outlays, \$20,218,000,000.

14 Fiscal year 2009:

15 (A) New budget authority,

16 \$22,229,000,000.

17 (B) Outlays, \$22,229,000,000.

18 (15) Veterans Benefits and Services (700):

19 Fiscal year 2005:

20 (A) New budget authority,

21 \$71,546,000,000.

22 (B) Outlays, \$70,159,000,000.

23 Fiscal year 2006:

24 (A) New budget authority,

25 \$68,196,000,000.

1 (B) Outlays, \$67,731,000,000.

2 Fiscal year 2007:

3 (A) New budget authority,

4 \$66,209,000,000.

5 (B) Outlays, \$65,834,000,000.

6 Fiscal year 2008:

7 (A) New budget authority,

8 \$69,326,000,000.

9 (B) Outlays, \$69,132,000,000.

10 Fiscal year 2009:

11 (A) New budget authority,

12 \$69,888,000,000.

13 (B) Outlays, \$69,660,000,000.

14 (16) Administration of Justice (750):

15 Fiscal year 2005:

16 (A) New budget authority,

17 \$41,841,000,000.

18 (B) Outlays, \$40,727,000,000.

19 Fiscal year 2006:

20 (A) New budget authority,

21 \$39,490,000,000.

22 (B) Outlays, \$40,336,000,000.

23 Fiscal year 2007:

24 (A) New budget authority,

25 \$40,099,000,000.

1 (B) Outlays, \$40,462,000,000.

2 Fiscal year 2008:

3 (A) New budget authority,

4 \$40,870,000,000.

5 (B) Outlays, \$40,873,000,000.

6 Fiscal year 2009:

7 (A) New budget authority,

8 \$41,206,000,000.

9 (B) Outlays, \$41,228,000,000.

10 (17) General Government (800):

11 Fiscal year 2005:

12 (A) New budget authority,

13 \$16,182,000,000.

14 (B) Outlays, \$16,742,000,000.

15 Fiscal year 2006:

16 (A) New budget authority,

17 \$17,503,000,000.

18 (B) Outlays, \$17,110,000,000.

19 Fiscal year 2007:

20 (A) New budget authority,

21 \$17,611,000,000.

22 (B) Outlays, \$17,245,000,000.

23 Fiscal year 2008:

24 (A) New budget authority,

25 \$17,190,000,000.

1 (B) Outlays, \$16,878,000,000.

2 Fiscal year 2009:

3 (A) New budget authority,

4 \$17,256,000,000.

5 (B) Outlays, \$16,763,000,000.

6 (18) Net Interest (900):

7 Fiscal year 2005:

8 (A) New budget authority,

9 \$270,115,000,000.

10 (B) Outlays, \$270,115,000,000.

11 Fiscal year 2006:

12 (A) New budget authority,

13 \$317,196,000,000.

14 (B) Outlays, \$317,196,000,000.

15 Fiscal year 2007:

16 (A) New budget authority,

17 \$361,739,000,000.

18 (B) Outlays, \$361,739,000,000.

19 Fiscal year 2008:

20 (A) New budget authority,

21 \$394,951,000,000.

22 (B) Outlays, \$394,951,000,000.

23 Fiscal year 2009:

24 (A) New budget authority,

25 \$422,613,000,000.

1 (B) Outlays, \$422,613,000,000.

2 (19) Allowances (920):

3 Fiscal year 2005:

4 (A) New budget authority,
5 — \$11,486,000,000.

6 (B) Outlays, — \$4,584,000,000.

7 Fiscal year 2006:

8 (A) New budget authority,
9 — \$779,000,000.

10 (B) Outlays, — \$3,627,000,000.

11 Fiscal year 2007:

12 (A) New budget authority,
13 — \$987,000,000.

14 (B) Outlays, — \$2,329,000,000.

15 Fiscal year 2008:

16 (A) New budget authority,
17 — \$993,000,000.

18 (B) Outlays, — \$2,091,000,000.

19 Fiscal year 2009:

20 (A) New budget authority,
21 — \$998,000,000.

22 (B) Outlays, — \$1,542,000,000.

23 (20) Undistributed Offsetting Receipts (950):

24 Fiscal year 2005:

1 (A) New budget authority,
2 — \$52,505,000,000.

3 (B) Outlays, — \$52,505,000,000.

4 Fiscal year 2006:

5 (A) New budget authority,
6 — \$59,848,000,000.

7 (B) Outlays, — \$59,848,000,000.

8 Fiscal year 2007:

9 (A) New budget authority,
10 — \$62,437,000,000.

11 (B) Outlays, — \$62,437,000,000.

12 Fiscal year 2008:

13 (A) New budget authority,
14 — \$63,482,000,000.

15 (B) Outlays, — \$63,482,000,000.

16 Fiscal year 2009:

17 (A) New budget authority,
18 — \$62,725,000,000.

19 (B) Outlays, — \$62,725,000,000.

20 **TITLE II—RECONCILIATION**

21 **SEC. 201. RECONCILIATION IN THE SENATE.**

22 (a) TAX RELIEF.—The Senate Committee on Fi-
23 nance shall report a reconciliation bill not later than Sep-
24 tember 30, 2004, that consists of changes in laws within
25 its jurisdiction sufficient to reduce revenues by not more

1 than \$12,311,000,000 for fiscal year 2005 and
 2 \$80,642,000,000 for the period of fiscal years 2005
 3 through 2009, and to increase outlays by not more than
 4 \$2,000,000,000 for the period of fiscal years 2005
 5 through 2009.

6 (b) INCREASE IN STATUTORY DEBT LIMIT.—The
 7 Committee on Finance shall report a reconciliation bill not
 8 later than September 30, 2004, that consists solely of
 9 changes in laws within its jurisdiction to increase the stat-
 10 utory debt limit by \$664,028,000,000.

11 **TITLE III—RESERVE FUNDS AND** 12 **ADJUSTMENTS**

13 **Subtitle A—Reserve Funds**

14 **SEC. 301. RESERVE FUND FOR HEALTH INSURANCE FOR** 15 **THE UNINSURED.**

16 If the Committee on Finance or the Committee on
 17 Health, Education, Labor, and Pensions of the Senate re-
 18 ports a bill or joint resolution, or an amendment thereto
 19 is offered or a conference report thereon is submitted, that
 20 provides health insurance or expands access to care for
 21 the uninsured (including a measure providing for tax de-
 22 ductions for the purchase of health insurance or other
 23 measures) and including legislation to reallocate and
 24 maintain expiring SCHIP funds rather than allowing such
 25 funds to revert to the Treasury, increases access to health

1 insurance through lowering costs, and does not increase
 2 the costs of current health insurance coverage, the chair-
 3 man of the Committee on the Budget may revise alloca-
 4 tions of new budget authority and outlays, the revenue ag-
 5 gregates, and other appropriate aggregates to reflect such
 6 legislation, provided that such legislation would not in-
 7 crease the deficit for fiscal year 2005 and for the period
 8 of fiscal years 2005 through 2009.

9 **SEC. 302. RESERVE FUND FOR HIGHER EDUCATION.**

10 If the Committee on Health, Education, Labor, and
 11 Pensions of the Senate reports a bill or joint resolution,
 12 or if an amendment thereto is offered or a conference re-
 13 port thereon is submitted, that provides, funding for—

14 (1) the reauthorization of the Higher Education
 15 Act of 1965, the chairman of the Committee on the
 16 Budget may revise committee allocations for that
 17 committee and other appropriate budgetary aggre-
 18 gates and allocations of new budget authority and
 19 outlays by the amount provided by that measure for
 20 that purpose, but not to exceed \$1,000,000,000 in
 21 new budget authority and \$1,000,000,000 in outlays
 22 for fiscal year 2005, \$5,000,000,000 in new budget
 23 authority and \$5,000,000,000 in outlays for the pe-
 24 riod of fiscal years 2005 through 2009; and

1 (2) a measure that eliminates the accumulated
 2 shortfall of budget authority resulting from insuffi-
 3 cient appropriations of discretionary new budget au-
 4 thority previously enacted for the Federal Pell Grant
 5 Program for awards made through award year
 6 2004–2005, the chairman of the Committee on the
 7 Budget may revise the committee allocation and
 8 other appropriate budgetary aggregates by the
 9 amount provided by that measure for that purpose,
 10 but not to exceed \$3,700,000,000 in new budget au-
 11 thority only for fiscal year 2005.

12 **SEC. 303. RESERVE FOR ENERGY LEGISLATION.**

13 If a measure, predominately within the jurisdiction
 14 of the Committee on Energy and Natural Resources of
 15 the Senate (including a bill or joint resolution, an amend-
 16 ment or a conference report), is considered in the Senate
 17 that provides for a national energy policy and does not
 18 reduce revenues by more than \$1,785,000,000 in 2005
 19 and \$15,092,000,000 for the period of fiscal years 2005
 20 through 2009, the chairman of the Committee on the
 21 Budget may revise committee allocations for that com-
 22 mittee and other appropriate budgetary aggregates and al-
 23 location of new budget authority and outlays by the
 24 amount provided by that measure for that purpose, but
 25 not to exceed \$261,000,000 in new budget authority and

1 \$221,000,000 in outlays for fiscal year 2005 and
 2 \$1,465,000,000 in new budget authority and
 3 \$1,465,000,000 in outlays for the period of fiscal years
 4 2005 through 2009.

5 **SEC. 304. RESERVE FUND FOR GUARD AND RESERVE**
 6 **HEALTH CARE.**

7 If the Committee on Armed Services or the Com-
 8 mittee on Appropriations reports a bill or joint resolution,
 9 or an amendment thereto is offered or a conference report
 10 thereon is submitted that expands access to health care
 11 for members of the reserve component, the Chairman of
 12 the Committee on the Budget may revise allocations of
 13 new budget authority and outlays, the revenue aggregates,
 14 other appropriate aggregates, and the discretionary spend-
 15 ing limits to reflect such legislation, providing that such
 16 legislation—

17 (1) would not increase the deficit for fiscal year
 18 2005 and for the period of fiscal years 2005 through
 19 2009, or would offset such deficit increases through
 20 reduction of unobligated balances from Iraqi recon-
 21 struction; and

22 (2) does not exceed \$5,600,000,000 for the pe-
 23 riod of fiscal years 2005 through 2009.

1 **SEC. 305. RESERVE FUND FOR MONTGOMERY GI BILL BEN-**
 2 **EFITS.**

3 If the Committee on Armed Services or the Com-
 4 mittee on Appropriations reports a bill or joint resolution,
 5 or an amendment thereto is offered or a conference report
 6 thereon is submitted, that increases benefit levels under
 7 the Montgomery GI Bill for members of the Selected Re-
 8 serves, the Chairman of the Committee on the Budget may
 9 revise allocations of new budget authority and outlays, the
 10 revenue aggregates, other appropriate aggregates, and the
 11 discretionary spending limits to reflect such legislation,
 12 providing that such legislation—

13 (1) would not increase the deficit for fiscal year
 14 2005 and for the period of fiscal years 2005 through
 15 2009; and

16 (2) does not exceed \$1,200,000,000 for the pe-
 17 riod of fiscal years 2005 through 2009.

18 **SEC. 306. RESERVE FOR FUNDING OF HOPE CREDIT.**

19 If the Committee on Finance of the Senate reports
 20 a bill or joint resolution, or an amendment thereto is of-
 21 fered or a conference report thereon is submitted, that in-
 22 creases the Hope credit to \$4,000, makes the credit avail-
 23 able for 4 years, and makes the credit refundable, the
 24 chairman of the Committee on the Budget may revise
 25 committee allocations for the Committee on Finance and
 26 other appropriate budgetary aggregates and allocations of

1 new budget authority and outlays by the amount provided
 2 by that measure for that purpose, if it would not increase
 3 the deficit for fiscal year 2005 or for the total of fiscal
 4 years 2005 through 2009.

5 **SEC. 307. RESERVE FUND FOR EXPANSION OF PEDIATRIC**
 6 **VACCINE DISTRIBUTION PROGRAM.**

7 If the Committee on Finance of the Senate reports
 8 a bill or joint resolution, or an amendment thereto is of-
 9 fered or a conference report thereon is submitted, that ex-
 10 pands the pediatric vaccine distribution program estab-
 11 lished under section 1928 of the Social Security Act (42
 12 U.S.C. 1396s) to include coverage for children adminis-
 13 tered a vaccine at a public health clinic or Indian clinic
 14 and repeals the price cap for pre-1993 vaccines, the chair-
 15 man of the Committee on the Budget may revise alloca-
 16 tions of new budget authority and outlays, the revenue ag-
 17 gregates, and other appropriate aggregates to reflect such
 18 legislation, provided that such legislation would not in-
 19 crease the deficit for fiscal year 2005 and for the period
 20 of fiscal years 2005 through 2009.

21 **SEC. 308. RESERVE FUND FOR ADDRESSING MINORITY**
 22 **HEALTH DISPARITIES.**

23 If the Committee on Appropriations of the Senate re-
 24 ports a bill or joint resolution, or an amendment thereto
 25 is offered or a conference report thereon is submitted, that

1 addresses minority health disparities through activities in-
2 cluding those at the HHS Office of Minority Health, the
3 Office of Civil Rights, the National Center on Minority
4 Health and Health Disparities, the Minority HIV/AIDS
5 initiative, health professions training, and through the Ra-
6 cial and Ethnic Approaches to Community Health at the
7 Centers for Disease Control and provides not to exceed
8 \$400,000,000 in new budget authority for fiscal year
9 2005, the chairman of the Committee on the Budget may
10 revise allocations of new budget authority and outlays and
11 other appropriate aggregates to reflect such legislation,
12 provided that such legislation would not increase the def-
13 icit for fiscal year 2005 and for the period of fiscal years
14 2005 through 2009.

15 **SEC. 309. RESERVE FOR POSTAL SERVICE REFORM.**

16 If the Committee on Governmental Affairs of the
17 Senate reports a bill or joint resolution, or an amendment
18 thereto is offered or a conference report thereon is sub-
19 mitted, that reforms the United States Postal Service to
20 improve its economic viability, the Chairman of the Com-
21 mittee on the Budget may revise committee allocations for
22 the Committee on Governmental Affairs and other appro-
23 priate budgetary aggregates and allocations of new budget
24 authority and outlays by the amount provided by that
25 measure for that purpose, if that measure would not in-

1 crease the deficit for fiscal year 2005 and for the period
 2 of fiscal years 2005 through 2009.

3 **Subtitle B—Adjustments With** 4 **Respect to Discretionary Spending**

5 **SEC. 311. ADJUSTMENT FOR SURFACE TRANSPORTATION.**

6 (a) IN GENERAL.—If the Committee on Transpor-
 7 tation and Infrastructure of the House or the Committee
 8 on Environment and Public Works, the Committee on
 9 Banking, Housing, and Urban Affairs, or the Committee
 10 on Commerce, Science, and Transportation of the Senate
 11 reports a bill or joint resolution, or if an amendment
 12 thereto is offered or a conference report thereon is sub-
 13 mitted, that provides new budget authority for the budget
 14 accounts or portions thereof in the highway and transit
 15 categories as defined in subparagraphs (B) and (C) of sec-
 16 tion 250(c)(4) of the Balanced Budget and Emergency
 17 Deficit Control Act of 1985 in excess of—

- 18 (1) for fiscal year 2005, \$41,772,000,000; or
 - 19 (2) for fiscal years 2005 through 2009,
 - 20 \$207,293,000,000;
- 21 the chairman of the Committee on the Budget may adjust
 22 the appropriate budget aggregates and increase the alloca-
 23 tion of new budget authority to such committee for fiscal
 24 year 2005 and for the period of fiscal years 2005 through
 25 2009 to the extent such excess is offset by an increase

1 in net new user-fee receipts related to the purposes of the
2 highway trust fund that are appropriated to such fund for
3 the applicable fiscal year caused by such legislation. In
4 the Senate, any increase in receipts shall be reported from
5 the Committee on Finance.

6 (b) ADJUSTMENT FOR OUTLAYS.—(1) For fiscal year
7 2005, in the Senate, if a bill or joint resolution is reported,
8 or if an amendment thereto is offered or a conference re-
9 port thereon is submitted, that changes obligation limita-
10 tions such that the total limitations are in excess of
11 \$40,600,000,000 for fiscal year 2005, for programs,
12 projects, and activities within the highway and transit cat-
13 egories as defined in subparagraphs (B) and (C) of section
14 250(c)(4) of the Balanced Budget and Emergency Deficit
15 Control Act of 1985 and if legislation has been enacted
16 that satisfies the conditions set forth in subsection (a) for
17 such fiscal year, the appropriate chairman of the Com-
18 mittee on the Budget may increase the allocation of out-
19 lays and appropriate aggregates for such fiscal year for
20 the committee reporting such measure by the amount of
21 outlays that corresponds to such excess obligation limita-
22 tions, but not to exceed the amount of such excess that
23 was offset in 2005 pursuant to subsection (a).

24 (2) For fiscal year 2006, in the Senate, if a bill or
25 joint resolution is reported, or if an amendment thereto

1 is offered or a conference report thereon is submitted, that
 2 changes obligation limitations such that the total limita-
 3 tions are in excess of \$40,621,000,000 for fiscal year
 4 2005, for programs, projects, and activities within the
 5 highway and transit categories as defined in subpara-
 6 graphs (B) and (C) of section 250(c)(4) of the Balanced
 7 Budget and Emergency Deficit Control Act of 1985 and
 8 if legislation has been enacted that satisfies the conditions
 9 set forth in subsection (a) for such fiscal year, the chair-
 10 man of the Committee on the Budget may increase the
 11 allocation of outlays and appropriate aggregates for such
 12 fiscal year for the committee reporting such measure by
 13 the amount of outlays that corresponds to such excess ob-
 14 ligation limitations, but not to exceed the amount of such
 15 excess that was offset in 2006 pursuant to subsection (a).

16 **SEC. 312. SUPPLEMENTAL APPROPRIATIONS FOR IRAQ AND**
 17 **RELATED ACTIVITIES FOR FISCAL YEAR 2005.**

18 If the President transmits a budget request for addi-
 19 tional resources for activities in Iraq and Afghanistan and
 20 if the Committee on Appropriations of the Senate reports
 21 legislation providing additional discretionary appropria-
 22 tions in excess of the levels assumed in this resolution for
 23 defense-related activities for fiscal year 2005, the chair-
 24 man of the Committee on the Budget may revise the allo-
 25 cation (and all other appropriate levels and aggregates set

1 out in this resolution) for that committee for such purpose
2 but not to exceed: \$30,000,000,000 in new budget author-
3 ity for fiscal year 2005 and the outlays that flow there-
4 from.

5 **SEC. 313. ADJUSTMENT FOR WILDLAND FIRE SUPPRES-**
6 **SION.**

7 (a) FINDINGS.—The Senate makes the following
8 findings:

9 (1) Due to the expansion of the wildland urban
10 interface, severe drought conditions in many regions
11 of the country, and the poor health of the Nation's
12 forests and rangelands, the Forest Service and De-
13 partment of the Interior regularly spend more than
14 the amount appropriated for fire suppression, and
15 then borrow from other accounts to pay for fire sup-
16 pression.

17 (2) This borrowing has a negative effect on
18 many Forest Service and Department of the Interior
19 programs.

20 (3) This resolution provides an amount equal to
21 the 10-year average for fire suppression in fiscal
22 year 2005.

23 (4) The Senate recommends that the Forest
24 Service and the Department of the Interior address
25 cost containment within the fire suppression ac-

count, and report to Congress regarding how funds appropriated pursuant to this section are used.

(b) CAP ADJUSTMENT.—

(1) DEFINITION.—For this subsection, the term “base amount” refers to the average of the obligations of the preceding 10 years for wildfire suppression in the Forest Service and the Department of the Interior, calculated as of the date of the applicable year’s budget request is submitted by the President to Congress.

(2) ADJUSTMENTS FOR FISCAL YEARS 2005 AND 2006.—If the amount appropriated for Wildland Fire Suppression in a fiscal year is not less than the base amount, then the chairman of the Committee on the Budget may adjust the appropriate allocations and other budgetary levels in the most recently agreed to concurrent resolution on the budget for any bill, joint resolution, amendment, motion, or conference report that provides additional funding for wildland fire suppression, but not to exceed—

(A) for the Forest Service—

(i) for fiscal year 2005, \$400,000,000;

and

(ii) for fiscal year 2006, \$400,000,000; and

1 (B) for the Department of the Interior—

2 (i) for fiscal year 2005, \$100,000,000;

3 and

4 (ii) for fiscal year 2006,

5 \$100,000,000.

6 (3) SPECIAL RULE FOR FISCAL YEAR 2004.—If

7 additional funding for wildland fire suppression for

8 fiscal year 2004 is provided in a bill, joint resolu-

9 tion, amendment, motion, or conference report, then

10 the chairman of the Committee on the Budget may

11 determine that such amounts shall not be counted

12 for the purposes of the Congressional Budget Act of

13 1974 and this resolution, provided that such

14 amounts do not exceed—

15 (A) for the Forest Service, for fiscal year

16 2004, \$400,000,000; and

17 (B) for the Department of the Interior, for

18 fiscal year 2004, \$100,000,000.

19 **SEC. 314. RESERVE FUND FOR ELIMINATING SURVIVOR**

20 **BENEFIT PLAN-SOCIAL SECURITY OFFSET.**

21 If the Committee on Armed Services or the Com-

22 mittee on Appropriations reports a bill or joint resolution,

23 or an amendment thereto is offered or a conference report

24 thereon is submitted, that provides for an increase to the

25 minimum Survivor Benefit Plan basic annuity for sur-

1 living spouses age 62 and older, the Chairman of the
 2 Committee on the Budget shall revise the aggregates,
 3 functional totals, allocations, discretionary caps, and other
 4 appropriate levels and limits in this resolution by up to
 5 \$2,757,000,000 in budget authority and \$2,757,000,000
 6 in outlays over the total of fiscal years 2005 through 2009.

7 **TITLE IV—BUDGET**

8 **ENFORCEMENT**

9 **SEC. 401. RESTRICTIONS ON ADVANCE APPROPRIATIONS.**

10 (a) IN GENERAL.—Except as provided in subsection
 11 (b), it shall not be in order in the Senate to consider any
 12 bill, joint resolution, motion, amendment, or conference re-
 13 port that would provide an advance appropriation.

14 (b) ACCOUNTS.—An advance appropriation may be
 15 provided for fiscal years 2006 and 2007 for programs,
 16 projects, activities, or accounts identified in the joint ex-
 17 planatory statement of managers accompanying this reso-
 18 lution under the heading “Accounts Identified for Advance
 19 Appropriations” in an aggregate amount not to exceed
 20 \$23,158,000,000 in new budget authority in each year.

21 (c) POINT OF ORDER.—

22 (1) WAIVER.—In the Senate, subsection (a)
 23 may be waived or suspended only by an affirmative
 24 vote of three-fifths of the Members, duly chosen and
 25 sworn. An affirmative vote of three-fifths of the

1 Members of the Senate, duly chosen and sworn, shall
 2 be required to sustain an appeal of the ruling of the
 3 Chair on a point of order raised under subsection
 4 (a).

5 (2) PROCEDURE.—A point of order under sub-
 6 section (a) may be raised by a Senator as provided
 7 in section 313(e) of Congressional Budget Act of
 8 1974.

9 (3) CONFERENCE REPORT.—If a point of order
 10 is sustained under subsection (a) against a con-
 11 ference report in the Senate, the report shall be dis-
 12 posed of as provided in section 313(d) of the Con-
 13 gressional Budget Act of 1974.

14 (d) ADVANCE APPROPRIATION.—In this section, the
 15 term “advance appropriation” means any discretionary
 16 new budget authority in a bill or joint resolution—

17 (1) making general appropriations or con-
 18 tinuing appropriations for fiscal year 2005 that first
 19 becomes available for any fiscal year after 2005; or

20 (2) making general appropriations or con-
 21 tinuing appropriations for fiscal year 2006 that first
 22 becomes available for any fiscal year after 2006.

1 **SEC. 402. EXTENSION OF EMERGENCY RULE IN THE SEN-**
2 **ATE.**

3 Section 502(c) of H. Con. Res. 95 (108th Cong., 1st.
4 Sess.) is amended to read as follows:

5 “(c) IN THE SENATE.—

6 “(1) AUTHORITY TO DESIGNATE.—In the Sen-
7 ate, with respect to a provision of direct spending or
8 receipts legislation or appropriations for discre-
9 tionary accounts that the President designates as an
10 emergency requirement and that Congress so des-
11 ignates in such measure, the amounts of new budget
12 authority, outlays, and receipts in all fiscal years re-
13 sulting from that provision shall be treated as an
14 emergency requirement for the purpose of this sec-
15 tion.

16 “(2) EXEMPTION OF EMERGENCY PROVI-
17 SIONS.—In the Senate, any new budget authority,
18 outlays, and receipts resulting from any provision
19 designated as an emergency requirement, pursuant
20 to this section, in any bill, joint resolution, amend-
21 ment, or conference report shall not count for pur-
22 poses of sections 302, 303, 311, and 401 of the Con-
23 gressional Budget Act of 1974 and any concurrent
24 resolution on the budget.

25 “(3) DESIGNATIONS.—

1 “(A) GUIDANCE.—In the Senate, if a pro-
 2 vision of legislation is designated as an emer-
 3 gency requirement under this section, the com-
 4 mittee report and any statement of managers
 5 accompanying that legislation shall include an
 6 explanation of the manner in which the provi-
 7 sion meets the criteria in subparagraph (B).

8 “(B) CRITERIA.—

9 “(i) IN GENERAL.—Any such provi-
 10 sion is an emergency requirement if the
 11 situation addressed by such provision is—

12 “(I) necessary, essential, or vital
 13 (not merely useful or beneficial);

14 “(II) sudden, quickly coming into
 15 being, and not building up over time;

16 “(III) an urgent, pressing, and
 17 compelling need requiring immediate
 18 action;

19 “(IV) subject to clause (ii), un-
 20 foreseen, unpredictable, and unantici-
 21 pated; and

22 “(V) not permanent, temporary
 23 in nature.

24 “(ii) UNFORESEEN.—An emergency
 25 that is part of an aggregate level of antici-

1 pated emergencies, particularly when nor-
 2 mally estimated in advance, is not unfore-
 3 seen.

4 “(4) DEFINITIONS.—In this subsection, the
 5 terms ‘direct spending’, ‘receipts’, and ‘appropria-
 6 tions for discretionary accounts’ means any provision
 7 of a bill, joint resolution, amendment, motion, or
 8 conference report that affects direct spending, re-
 9 ceipts, or appropriations as those terms have been
 10 defined and interpreted for purposes of the Balanced
 11 Budget and Emergency Deficit Control Act of 1985.

12 “(5) POINT OF ORDER.—When the Senate is
 13 considering a bill, resolution, amendment, motion, or
 14 conference report, if a point of order is made by a
 15 Senator against an emergency designation in that
 16 measure, that provision making such a designation
 17 shall be stricken from the measure and may not be
 18 offered as an amendment from the floor.

19 “(6) WAIVER AND APPEAL.—Paragraph (5)
 20 may be waived or suspended in the Senate only by
 21 an affirmative vote of three-fifths of the Members,
 22 duly chosen and sworn. An affirmative vote of three-
 23 fifths of the Members of the Senate, duly chosen and
 24 sworn, shall be required to sustain an appeal of the

1 ruling of the Chair on a point of order raised under
2 this section.

3 “(7) DEFINITION OF AN EMERGENCY DESIGNA-
4 TION.—For purposes of paragraph (5), a provision
5 shall be considered an emergency designation if it
6 designates any item as an emergency requirement
7 pursuant to this section.

8 “(8) FORM OF THE POINT OF ORDER.—A point
9 of order under paragraph (5) may be raised by a
10 Senator as provided in section 313(e) of the Con-
11 gressional Budget Act of 1974.

12 “(9) CONFERENCE REPORTS.—If a point of
13 order is sustained under paragraph (5) against a
14 conference report, the report shall be disposed of as
15 provided in section 313(d) of the Congressional
16 Budget Act of 1974.

17 “(10) EXCEPTION FOR DEFENSE SPENDING.—
18 Paragraph (5) shall not apply against an emergency
19 designation for a provision making discretionary ap-
20 propriations in the defense category.”.

21 **SEC. 403. DISCRETIONARY SPENDING LIMITS IN THE SEN-**
22 **ATE.**

23 (a) DISCRETIONARY SPENDING LIMITS.—In the Sen-
24 ate and as used in this section, the term “discretionary
25 spending limit” means—

1 (1) for fiscal year 2005—

2 (A) \$819,673,000,000 in new budget au-
3 thority and \$823,694,000,000 in outlays for the
4 discretionary category;

5 (B) for the highway category,
6 \$33,393,000,000 in outlays; and

7 (C) for the mass transit category,
8 \$1,488,000,000 in new budget authority, and
9 \$6,726,000,000 in outlays; and

10 (2) for fiscal year 2006 \$852,257,000,000 in
11 new budget authority, and \$885,860,000,000 in out-
12 lays for the discretionary category.

13 (b) DISCRETIONARY SPENDING POINT OF ORDER IN
14 THE SENATE.—

15 (1) IN GENERAL.—Except as otherwise pro-
16 vided in this subsection, it shall not be in order in
17 the Senate to consider any bill or resolution (includ-
18 ing a concurrent resolution on the budget) or
19 amendment, motion, or conference report thereon
20 that would exceed any of the discretionary spending
21 limits in this section.

22 (2) WAIVER.—This subsection may be waived
23 or suspended in the Senate only by the affirmative
24 vote of three-fifths of the Members, duly chosen and
25 sworn.

1 (3) APPEALS.—Appeals in the Senate from the
 2 decisions of the Chair relating to any provision of
 3 this subsection shall be limited to 1 hour, to be
 4 equally divided between, and controlled by, the ap-
 5 pellant and the manager of the bill or joint resolu-
 6 tion, as the case may be. An affirmative vote of
 7 three-fifths of the Members of the Senate, duly cho-
 8 sen and sworn, shall be required to sustain an ap-
 9 peal of the ruling of the Chair on a point of order
 10 raised under this subsection.

11 (c) ADJUSTMENTS.—

12 (1) IN GENERAL.—

13 (A) CHAIRMAN.—After the reporting of a
 14 bill or joint resolution, or the offering of an
 15 amendment thereto or the submission of a con-
 16 ference report thereon, the chairman of the
 17 Committee on the Budget may make the ad-
 18 justments set forth in subparagraph (B) for the
 19 amount of new budget authority in that meas-
 20 ure (if that measure meets the requirements set
 21 forth in paragraph (2)) and the outlays flowing
 22 from that budget authority.

23 (B) MATTERS TO BE ADJUSTED.—The ad-
 24 justments referred to in subparagraph (A) are
 25 to be made to—

1 (i) the discretionary spending limits, if
 2 any, set forth in the appropriate concu-
 3 rent resolution on the budget;

4 (ii) the allocations made pursuant to
 5 the appropriate concurrent resolution on
 6 the budget pursuant to section 302(a) of
 7 the Congressional Budget Act of 1974; and
 8 (iii) the budgetary aggregates as set
 9 forth in the appropriate concurrent resolu-
 10 tion on the budget.

11 (2) AMOUNTS OF ADJUSTMENTS.—The adjust-
 12 ment referred to in paragraph (1) shall be—

13 (A) an amount provided for transportation
 14 under section 311;

15 (B) an amount provided for the fiscal year
 16 2005 supplemental appropriation pursuant to
 17 section 312; and

18 (C) an amount provided for fire suppres-
 19 sion pursuant to section 313.

20 (3) REPORTING REVISED SUBALLOCATIONS.—
 21 Following any adjustment made under paragraph
 22 (1), the Committee on Appropriations of the Senate
 23 shall report appropriately revised suballocations
 24 under section 302(b) to carry out this subsection.

1 **SEC. 404. SCORING RULES.**

2 (a) **FUNDING FOR BIOSHIELD.**—The chairman of the
3 Committee on the Budget of the Senate shall revise the
4 aggregates, functional totals, and allocations to the Com-
5 mittee on Appropriations of the Senate, discretionary
6 spending limits, and other appropriate levels and limits in
7 this resolution by \$2,528,000,000 in budget authority for
8 fiscal year 2005, and by the amount of outlays flowing
9 therefrom in fiscal year 2005 and subsequent years for
10 Project Bioshield, for a bill, joint resolution, amendment,
11 or conference report that makes appropriations for the
12 Department of Homeland Security for the fiscal year end-
13 ing September 30, 2005.

14 (b) **ENERGY SAVINGS PERFORMANCE CONTRACT**
15 **PROGRAM.**—In recognition that the energy savings per-
16 formance contract program recoups its costs through
17 guaranteed savings without increasing budgetary outlays,
18 the Congressional Budget Office shall score the energy
19 savings performance contract program under title VIII of
20 the National Energy Conservation Policy Act (42 U.S.C.
21 801 et seq.) as zero. For the purposes of any point of
22 order under any concurrent resolution on the budget and
23 the Congressional Budget Act of 1974, the cost of the en-
24 ergy savings performance contract program under title
25 VIII of the National Energy Conservation Policy Act (42
26 U.S.C. 801 et seq.) shall be zero.

1 **SEC. 405. ADJUSTMENTS TO REFLECT CHANGES IN CON-**
 2 **CEPTS AND DEFINITIONS.**

3 (a) In the Senate, upon the enactment of a bill or
 4 joint resolution providing for a change in concepts or defi-
 5 nitions, the chairman of the Committee on the Budget
 6 shall make adjustments to the levels and allocations in this
 7 resolution in accordance with section 251(b) of the Bal-
 8 anced Budget and Emergency Deficit Control Act of 1985
 9 (as in effect prior to September 30, 2002).

10 (b) If the Committee on Appropriations reports a bill
 11 or resolution, or if an amendment thereto is offered or
 12 a conference report thereon is submitted, that changes the
 13 nature of offsetting receipts collected from the Power Mar-
 14 keting Administration from mandatory to discretionary,
 15 the chairman of the Committee on the Budget may revise
 16 the appropriate allocations for such committee and other
 17 appropriate levels in this resolution.

18 **SEC. 406. APPLICATION AND EFFECT OF CHANGES IN ALLO-**
 19 **CATIONS AND AGGREGATES.**

20 (a) APPLICATION.—Any adjustments of allocations
 21 and aggregates made pursuant to this resolution shall—

22 (1) apply while that measure is under consider-
 23 ation;

24 (2) take effect upon the enactment of that
 25 measure; and

1 (3) be published in the Congressional Record as
2 soon as practicable.

3 (b) EFFECT OF CHANGED ALLOCATIONS AND AG-
4 GREGATES.—Revised allocations and aggregates resulting
5 from these adjustments shall be considered for the pur-
6 poses of the Congressional Budget Act of 1974 as alloca-
7 tions and aggregates contained in this resolution.

8 (c) BUDGET COMMITTEE DETERMINATIONS.—For
9 purposes of this resolution—

10 (1) the levels of new budget authority, outlays,
11 direct spending, new entitlement authority, revenues,
12 deficits, and surpluses for a fiscal year or period of
13 fiscal years shall be determined on the basis of esti-
14 mates made by the appropriate Committee on the
15 Budget; and

16 (2) such chairman may make any other nec-
17 essary adjustments to such levels to carry out this
18 resolution.

19 **SEC. 407. EXERCISE OF RULEMAKING POWERS.**

20 Congress adopts the provisions of this title—

21 (1) as an exercise of the rulemaking power of
22 the Senate and the House of Representatives, re-
23 spectively, and as such they shall be considered as
24 part of the rules of each House, or of that House
25 to which they specifically apply, and such rules shall

1 supersede other rules only to the extent that they
2 are inconsistent therewith; and

3 (2) with full recognition of the constitutional
4 right of either House to change those rules (so far
5 as they relate to that House) at any time, in the
6 same manner, and to the same extent as in the case
7 of any other rule of that House.

8 **SEC. 408. PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.**

9 (a) POINT OF ORDER.—

10 (1) IN GENERAL.—It shall not be in order in
11 the Senate to consider any direct spending or rev-
12 enue legislation that would increase the on-budget
13 deficit or cause an on-budget deficit for any one of
14 the three applicable time periods as measured in
15 paragraphs (5) and (6).

16 (2) APPLICABLE TIME PERIODS.—For purposes
17 of this subsection, the term “applicable time period”
18 means any 1 of the 3 following periods:

19 (A) The first year covered by the most re-
20 cently adopted concurrent resolution on the
21 budget.

22 (B) The period of the first 5 fiscal years
23 covered by the most recently adopted concur-
24 rent resolution on the budget.

1 (C) The period of the 5 fiscal years fol-
 2 lowing the first 5 fiscal years covered in the
 3 most recently adopted concurrent resolution on
 4 the budget.

5 (3) DIRECT-SPENDING LEGISLATION.—For pur-
 6 poses of this subsection and except as provided in
 7 paragraph (4), the term “direct-spending legisla-
 8 tion” means any bill, joint resolution, amendment,
 9 motion, or conference report that affects direct
 10 spending as that term is defined by, and interpreted
 11 for purposes of, the Balanced Budget and Emer-
 12 gency Deficit Control Act of 1985.

13 (4) EXCLUSION.—For purposes of this sub-
 14 section, the terms “direct-spending legislation” and
 15 “revenue legislation” do not include—

16 (A) any concurrent resolution on the budg-
 17 et; or

18 (B) any provision of legislation that affects
 19 the full funding of, and continuation of, the de-
 20 posit insurance guarantee commitment in effect
 21 on the date of enactment of the Budget En-
 22 forcement Act of 1990.

23 (5) BASELINE.—Estimates prepared pursuant
 24 to this section shall—

1 (A) use the baseline surplus or deficit used
 2 for the most recently adopted concurrent resolu-
 3 tion on the budget; and

4 (B) be calculated under the requirements
 5 of subsections (b) through (d) of section 257 of
 6 the Balanced Budget and Emergency Deficit
 7 Control Act of 1985 for fiscal years beyond
 8 those covered by that concurrent resolution on
 9 the budget.

10 (6) PRIOR SURPLUS.—If direct spending or rev-
 11 enue legislation increases the on-budget deficit or
 12 causes an on-budget deficit when taken individually,
 13 it must also increase the on-budget deficit or cause
 14 an on-budget deficit when taken together with all di-
 15 rect spending and revenue legislation enacted since
 16 the beginning of the calendar year not accounted for
 17 in the baseline under paragraph (5)(A), except that
 18 direct spending or revenue effects resulting in net
 19 deficit reduction enacted pursuant to reconciliation
 20 instructions since the beginning of that same cal-
 21 endar year shall not be available.

22 (b) WAIVER.—This section may be waived or sus-
 23 pended in the Senate only by the affirmative vote of three-
 24 fifths of the Members, duly chosen and sworn.

1 (c) APPEALS.—Appeals in the Senate from the deci-
 2 sions of the Chair relating to any provision of this section
 3 shall be limited to 1 hour, to be equally divided between,
 4 and controlled by, the appellant and the manager of the
 5 bill or joint resolution, as the case may be. An affirmative
 6 vote of three-fifths of the Members of the Senate, duly
 7 chosen and sworn, shall be required to sustain an appeal
 8 of the ruling of the Chair on a point of order raised under
 9 this section.

10 (d) DETERMINATION OF BUDGET LEVELS.—For
 11 purposes of this section, the levels of new budget author-
 12 ity, outlays, and revenues for a fiscal year shall be deter-
 13 mined on the basis of estimates made by the Committee
 14 on the Budget of the Senate.

15 (e) SUNSET.—This section shall expire on September
 16 30, 2009.

17 **TITLE V—SENSE OF THE SENATE**

18 **SEC. 501. SENSE OF THE SENATE ON BUDGET PROCESS RE-** 19 **FORM.**

20 It is the sense of the Senate that Congress and the
 21 President should work together to enact budget process
 22 reform legislation that would include mechanisms to re-
 23 strain Government spending. Such legislation may
 24 include—

1 (1) deficit targets that, when exceeded, would
2 result in across-the-board reductions in Federal
3 spending except Social Security, Medicare, and Vet-
4 erans' benefits;

5 (2) revision of the content of budget resolutions
6 to increase their focus on aggregate levels, and to in-
7 clude easily understood enforcement tools such as—

8 (A) discretionary spending limits;

9 (B) pay-as-you-go; and

10 (C) explicit committee allocations;

11 (3) emergency spending procedures which budg-
12 et for emergency needs;

13 (4) pay-as-you-go limitations which apply to
14 non-budget expenditures;

15 (5) limitations on unauthorized appropriations;

16 and

17 (6) enhanced rescission or constitutional line-
18 item veto authority for the President.

1 **SEC. 502. SENSE OF THE SENATE ON BUDGET PROCESS RE-**
 2 **FORM WITH REGARD TO THE CREATION OF**
 3 **BIPARTISAN COMMISSIONS TO COMBAT**
 4 **WASTE, FRAUD, AND ABUSE AND TO PRO-**
 5 **MOTE SPENDING EFFICIENCY.**

6 (a) WASTE, FRAUD, AND ABUSE.—It is the sense of
 7 the Senate that legislation should be enacted that would
 8 create a bipartisan commission for the purpose of—

9 (1) submitting recommendations on ways to
 10 eliminate waste, fraud, and abuse; and

11 (2) to provide recommendations on ways in
 12 which to achieve cost savings through enhancing
 13 program efficiencies in all discretionary and entitle-
 14 ment programs.

15 The findings of the commission should be made on an an-
 16 nual basis, and should be presented in conjunction with
 17 the submission of the President's budget request to Con-
 18 gress.

19 (b) EFFICIENCY.—It is the sense of the Senate that
 20 a bipartisan commission should be established to—

21 (1) audit Federal domestic agencies, and pro-
 22 grams within such agencies, with the express pur-
 23 pose of providing Congress with recommendations,
 24 and legislation;

25 (2) implement those recommendations; and

1 (3) realign or eliminate government agencies
 2 and programs that are duplicative, inefficient, out-
 3 dated, irrelevant, or have failed to accomplish their
 4 intended purpose.

5 The findings of the commission should be made on an an-
 6 nual basis, and should be presented in conjunction with
 7 the submission of the President's budget request to Con-
 8 gress.

9 **SEC. 503. SENSE OF THE SENATE ON THE RELATIONSHIP**
 10 **BETWEEN ANNUAL DEFICIT SPENDING AND**
 11 **INCREASES IN DEBT SERVICE COSTS.**

12 It is the sense of the Senate that the Congressional
 13 Budget Office shall consult with the Committee on the
 14 Budget of the Senate in order to prepare a report con-
 15 taining a discussion of—

16 (1) the relationship between annual deficit
 17 spending and increases in debt service costs;

18 (2) the relationship between incremental in-
 19 creases in discretionary spending and debt service
 20 costs; and

21 (3) the feasibility of providing estimates of debt
 22 service costs in the cost estimates prepared pursuant
 23 to section 308 of the Congressional Budget Act of
 24 1974.

1 **SEC. 504. SENSE OF THE SENATE REGARDING THE COSTS**
2 **OF THE MEDICARE PRESCRIPTION DRUG**
3 **PROGRAM.**

4 It is the sense of the Senate that the Committee on
5 Finance of the Senate should report a bill that consists
6 of changes in laws within its jurisdiction sufficient to en-
7 sure that spending within part D of the Medicare Pre-
8 scription Drug Benefit program in fiscal years 2005
9 through 2013 does not exceed the total of
10 \$409,000,000,000 as estimated by the Congressional
11 Budget Office.

12 **SEC. 505. SENSE OF THE SENATE REGARDING PAY PARITY.**

13 It is the sense of the Senate that—

14 (1) compensation for civilian and military em-
15 ployees of the United States, without whom we can-
16 not successfully serve and protect our citizens and
17 taxpayers, must be sufficient to support our critical
18 efforts to recruit, retain, and reward quality people
19 effectively and responsibly; and

20 (2) to achieve this objective, the rate of increase
21 in the compensation of civilian employees should be
22 equal to that proposed for the military in the Presi-
23 dent's Fiscal Year 2005 Budget.

1 **SEC. 506. SENSE OF THE SENATE ON RETURNING STA-**
2 **BILITY TO PAYMENTS UNDER MEDICARE**
3 **PHYSICIAN FEE SCHEDULE.**

4 (a) FINDINGS.—The Senate finds that—

5 (1) the fees Medicare pays physicians and other
6 health professionals were reduced by 5.4 percent
7 across-the-board in 2002.

8 (2) action by Congress in early 2003 narrowly
9 averted a 4.4-percent across-the-board reduction in
10 such fees that year;

11 (3) in the fall of 2003, congressional action was
12 once again needed to prevent an across-the-board re-
13 duction of 4.5 percent in such fees for 2004, as well
14 as an anticipated further reduction in 2005;

15 (4) based on current projections, estimates sug-
16 gest that, absent any action, fees will be significantly
17 reduced across-the-board in 2006 and each year
18 thereafter until at least 2010;

19 (5) the prospect of continued payment reduc-
20 tions under the Medicare physician fee schedule for
21 the foreseeable future threatens to destabilize an im-
22 portant element of the program, namely physician
23 participation and willingness to accept Medicare pa-
24 tients;

25 (6) there are major flaws in the formula Medi-
26 care uses to reimburse physicians which result in

1 steep cuts that adversely impact Medicare bene-
 2 ficiaries' access to care; and

3 (7) CMS should use its authority to exclude
 4 Medicare-covered drugs and biologics from the phy-
 5 sician formula and accurately reflect in the formula
 6 the direct and indirect cost of increases due to cov-
 7 erage decisions, administrative actions, and rules
 8 and regulations.

9 (b) SENSE OF THE SENATE.—It is the sense of the
 10 Senate that, while recent actions by Congress have helped
 11 address the immediate reductions in reimbursement, fur-
 12 ther action by Congress is urgently needed to put in place
 13 a new formula or mechanism for updating Medicare physi-
 14 cian fees in 2006 and thereafter, in order to ensure—

15 (1) the long-term stability of the Medicare pay-
 16 ment system for physicians and other health care
 17 professionals, such that payment rates keep pace
 18 with practice cost increases; and

19 (2) future access to physicians' services for
 20 Medicare beneficiaries.

21 **SEC. 507. SENSE OF THE SENATE REGARDING THE USE OF**
 22 **FEDERAL FUNDS TO SUPPORT AMERICAN**
 23 **COMPANIES AND AMERICAN WORKERS.**

24 (a) FINDINGS.—The Senate finds that—

1 (1) the United States has lost more than
2 2,200,000 manufacturing jobs since 2000;

3 (2) the Bureau of Labor Statistics reported
4 that 239,454 workers in a variety of sectors of the
5 United States economy lost their jobs as a result of
6 mass layoffs in January 2004;

7 (3) there are millions of long-term unemployed
8 Americans who have been unable to find work; and

9 (4) the Buy American Act requires the Federal
10 Government to support American companies and
11 American workers by buying American-made goods.

12 (b) SENSE OF THE SENATE.—It is the sense of the
13 Senate that the functional totals in this resolution assume
14 that—

15 (1) Federal departments and agencies will, to
16 the maximum extent possible, purchase goods and
17 services from American companies; and

18 (2) Federal departments and agencies will en-
19 sure that, to the maximum extent possible, the work
20 required by Federal contracts for goods and services
21 will be performed in the United States.

22 **SEC. 508. SENSE OF THE SENATE REGARDING CLOSING THE**
23 **“TAX GAP”.**

24 (a) FINDINGS.—The Senate finds that—

1 (1) the Internal Revenue Service estimates that
2 the gross tax gap (the difference between the
3 amount of taxes owed by taxpayers and the amount
4 actually collected) is now estimated to be in excess
5 of \$300,000,000,000 annually;

6 (2) the Internal Revenue Service reports that
7 the rate of voluntary and timely compliance from
8 taxpayers in paying what they owe is approximately
9 85 percent;

10 (3) this overwhelming majority of honest and
11 hardworking taxpayers are forced to make up the
12 shortfall that results from taxpayers who fail to pay
13 what they owe voluntarily;

14 (4) a former Commissioner of Internal Revenue
15 has estimated that honest taxpayers are paying “15
16 percent more” than necessary if the tax gap were
17 closed;

18 (5) the current Commissioner of Internal Revenue is concerned that increasing numbers of taxpayers believe that people are less likely to report their income taxes accurately and more inclined to take a chance that they will not be audited; and

23 (6) that an increase in enforcement efforts on
24 taxes already due and owing can generate significant
25 additional revenues without raising taxes.

1 (b) SENSE OF THE SENATE.—It is the sense of the
 2 Senate that the Internal Revenue Service should be pro-
 3 vided the resources necessary to increase enforcement ac-
 4 tivities that would be concentrated on efforts to reduce the
 5 tax gap substantially by the end of fiscal year 2009.

6 **SEC. 509. SENSE OF THE SENATE AMENDMENT ON DRUG**
 7 **COMPARATIVENESS STUDIES.**

8 It is the sense of the Senate that the overall discre-
 9 tionary levels set in this resolution assume \$75,000,000
 10 in new budget authority in fiscal year 2005 and new out-
 11 lays that flow from this budget authority in fiscal year
 12 2005 and subsequent years, to fund new research and on-
 13 going literature surveys in the Agency for Health Care Re-
 14 search and Quality. These activities will be designed to
 15 improve scientific evidence related to the comparative ef-
 16 fectiveness and safety of prescription drugs and other
 17 treatments and to disseminate the findings and underlying
 18 data from such research to health care practitioners, con-
 19 sumers, and health care purchasers.

20 **SEC. 510. SENSE OF THE SENATE REGARDING FUNDING**
 21 **FOR PORT SECURITY.**

22 (a) FINDINGS.—The Senate makes the following
 23 findings:

24 (1) In the United States, the system of mari-
 25 time commerce, including seaports and other ports,

1 is a critical element of the United States economic,
2 social, and environmental infrastructure.

3 (2) In 2001, ports in the United States handled
4 approximately 5,400 ships, the majority of which
5 were owned by foreign persons and crewed by na-
6 tionals of foreign countries, that made a total of
7 more than 60,000 calls at such ports.

8 (3) In a typical year, more than 17,000,000
9 cargo containers are handled at ports in the United
10 States.

11 (4) Maritime commerce is the primary mode of
12 transportation for international trade, with ships
13 carrying more than 80 percent of such trade, by vol-
14 ume.

15 (5) Disruption of trade flowing through United
16 States ports could have a catastrophic impact on
17 both the United States and the world economies.

18 (6) In addition to the economic importance of
19 United States ports, such ports form a critical link
20 in the United States national security structure, and
21 are necessary to ensure that United States military
22 material can be effectively and quickly shipped to
23 any location where such material is needed.

24 (7) Terrorist groups, including extremist groups
25 such as al Qaeda, are likely to consider, formulate,

1 and execute plans to conduct a terrorist strike
2 against one or more of the ports in the United
3 States.

4 (8) Terrorists have conducted attacks against
5 maritime commerce in the past, including the Octo-
6 ber 2002 attack on the French oil tanker
7 LIMBERG and the October 2000 attack on the
8 USS COLE in Yemen.

9 (9) It is critical that port security be enhanced
10 and improved through the adoption of better formu-
11 lated security procedures, the adoption of new regu-
12 lations and law, and investment in long-term capital
13 improvements to the structure of the United States
14 most critical ports.

15 (10) Effective funding to provide adequate se-
16 curity at United States ports requires a commitment
17 to provide Federal funds over multiple years to fund
18 long-term capital improvement projects.

19 (b) SENSE OF THE SENATE.—It is the sense of the
20 Senate that—

21 (1) the budget of the United States should pro-
22 vide adequate funding for port security projects and
23 not less than the amount of such funding that is
24 adequate to implement an effective port security
25 plan;

1 (2) the implementation of the budget of the
 2 United States should permit the provision of Federal
 3 funds over multiple years to fund long-term security
 4 improvement projects at ports in the United States;
 5 and

6 (3) the Secretary of Homeland Security should,
 7 as soon as practicable, develop a funding plan for
 8 port security that permits funding over multiple
 9 years for such projects.

10 **SEC. 511. SENSE OF THE SENATE REGARDING TRIBAL COL-**
 11 **LEGES AND UNIVERSITIES.**

12 (a) FINDINGS.—The Senate finds the following:

13 (1) American Indians from 250 federally recog-
 14 nized tribes nationwide attend tribal colleges and
 15 universities, a majority of whom are first-generation
 16 college students.

17 (2) Tribal colleges and universities are located
 18 in some of the most isolated and impoverished areas
 19 in the Nation, yet they are the Nation’s most poorly
 20 funded institutions of higher education. While the
 21 Tribally Controlled College or University Assistance
 22 Act, or “Tribal College Act” provides funding based
 23 solely on Indian students, the colleges have open en-
 24 rollment policies providing access to postsecondary
 25 education opportunities to all interested students,

1 about 20 percent of whom are non-Indian. With rare
 2 exception, tribal colleges and universities do not re-
 3 ceive operating funds from the States for these non-
 4 Indian State resident students. Yet, if these same
 5 students attended any other public institutions in
 6 their States, the State would provide basic operating
 7 funds to the institution.

8 (3) While Congress has been increasing annual
 9 appropriations for tribal colleges in recent years, the
 10 President's fiscal year 2005 budget recommends a
 11 \$5,500,000 decrease in institutional operating funds.
 12 This represents the third consecutive year that the
 13 President's budget proposed decreases that Congress
 14 must restore.

15 (4) Because of congressional budget restora-
 16 tions, the tribal colleges funded through titles I and
 17 II of the Tribally Controlled College or University
 18 Assistance Act are within \$19,000,000 of full fund-
 19 ing at their authorized level.

20 (b) SENSE OF THE SENATE.—It is the sense of the
 21 Senate that—

22 (1) this resolution recognizes the funding chal-
 23 lenges faced by tribal colleges and universities and
 24 assumes that priority consideration will be provided
 25 to them through funding of the Tribally Controlled

1 College or University Assistance Act, the Equity in
 2 Educational Land Grant Status Act, title III of the
 3 Higher Education Act, and the National Science
 4 Foundation Tribal College Program; and

5 (2) such priority consideration reflects the in-
 6 tent of Congress to continue to work toward statu-
 7 tory Federal funding authorization goals for tribal
 8 colleges and universities.

9 **SEC. 512. FINDINGS AND SENSE OF THE SENATE.**

10 (a) FINDINGS.—The Senate finds that—

11 (1) the United States is in the grip of perva-
 12 sively higher home energy prices;

13 (2) high natural gas, heating oil, and propane
 14 prices are, in general, having an effect that is rip-
 15 pling through the United States economy and are, in
 16 particular, impacting home energy bills;

17 (3) while persons in many sectors can adapt to
 18 natural gas, heating oil, and propane price increases,
 19 persons in some sectors simply cannot;

20 (4) elderly and disabled citizens who are living
 21 on fixed incomes, the working poor, and other low-
 22 income individuals face hardships wrought by high
 23 home energy prices;

1 (5) the energy burden for persons among the
2 working poor often exceeds 20 percent of those per-
3 sons' incomes under normal conditions;

4 (6) under current circumstances, home energy
5 prices are unnaturally high, and these are not nor-
6 mal circumstances;

7 (7) while critically important and encouraged,
8 State energy assistance and charitable assistance
9 funds have been overwhelmed by the crisis caused by
10 the high home energy prices;

11 (8) the Federal Low-Income Home Energy As-
12 sistance Program (referred to in this section as
13 "LIHEAP") and the companion weatherization as-
14 sistance program (referred to in this section as
15 "WAP"), are the Federal Government's primary
16 means to assist eligible low-income individuals in the
17 United States to shoulder the burdens caused by
18 their home cooling and heating needs;

19 (9) in 2003, LIHEAP reached only 15 percent
20 of the persons in the United States who were eligible
21 for assistance under the program;

22 (10) since LIHEAP's inception, its inflation-ad-
23 justed buying power has eroded by 58 percent; and

1 (11) current Federal funding for LIHEAP is
 2 not sufficient to meet the cooling and heating needs
 3 of low-income families.

4 (b) SENSE OF THE SENATE.—It is the sense of the
 5 Senate that the levels in this concurrent resolution
 6 assume—

7 (1) an adequate increase in funding for each of
 8 fiscal years 2005 and 2006 to carry out the
 9 LIHEAP program;

10 (2) an adequate increase in funding for fiscal
 11 year 2005 and an adequate increase in funding for
 12 fiscal year 2006 to carry out the WAP program;

13 (3) appropriations, for these programs, of suffi-
 14 cient additional funds to realistically address the
 15 cooling and heating needs of low-income families;
 16 and

17 (4) advance appropriations of the necessary
 18 funds to ensure the smooth operation of the pro-
 19 grams during times of peak demand.

20 **SEC. 513. SENSE OF THE SENATE SUPPORTING FUNDING**
 21 **RESTORATION FOR AGRICULTURE RE-**
 22 **SEARCH AND EXTENSION.**

23 (a) FINDINGS.—Congress finds that—

24 (1) funding for 33 programs administered by
 25 the Cooperative State Research, Education, and Ex-

1 tension Service of the Department of Agriculture
2 were each reduced by 10 percent in the Agriculture,
3 Rural Development, Food and Drug Administration,
4 and Related Agencies Appropriations Act, 2004 (118
5 Stat. 9);

6 (2) those cuts are already hurting a wide range
7 of proven programs that help people, communities,
8 and businesses;

9 (3) the cuts have put at risk important ad-
10 vances made in all 50 States and United States ter-
11 ritories, including—

12 (A) combating obesity through programs
13 such as the Expanded Food and Nutrition Edu-
14 cation Program;

15 (B) expanding environmentally-minded
16 pest management programs;

17 (C) ensuring food safety; and

18 (D) educating farmers and ranchers about
19 new sustainable agricultural practices;

20 (4) the National Research Initiative is the flag-
21 ship competitive grants program funded through the
22 Cooperative State Research, Education, and Exten-
23 sion Service;

24 (5) because of limited funding the Service is
25 able to fund only a small fraction of the meritorious

1 research proposals that the Service receives under
2 the National Research Initiative program; and

3 (6) base funding at the Service that supports
4 the research infrastructure has fallen steadily over
5 the past decade.

6 (b) SENSE OF THE SENATE.—It is the sense of the
7 Senate that levels in this concurrent resolution assume
8 that in making appropriations and revenue decisions, the
9 Senate supports—

10 (1) the restoration of the 33 accounts of the
11 Cooperative State Research, Education, and Exten-
12 sion Service;

13 (2) the fiscal year 2005 funding of the National
14 Research Initiative; and

15 (3) the fiscal year 2005 funding of competitive
16 research programs of the Cooperative State Re-
17 search, Education, and Extension Service in an
18 amount that is adequate to—

19 (A) fight obesity and stave off chronic dis-
20 eases;

21 (B) combat insects and animal and plant
22 diseases;

23 (C) establish new crops, improved live-
24 stock, and economic opportunities for pro-
25 ducers; and

1 (D) keep pathogens and other dangers out
 2 of the air, water, soil, plants, and animals.

3 **SEC. 514. RESERVE FUND FOR HOMELAND SECURITY**
 4 **GRANT PROGRAM, ASSISTANCE TO FIRE-**
 5 **FIGHTER GRANTS, AND PORT SECURITY**
 6 **GRANTS.**

7 The Chairman of the Committee on the Budget of
 8 the Senate shall revise the aggregates, functional totals,
 9 allocations to the Committee on Appropriations of the
 10 Senate, discretionary spending limits, and other appro-
 11 priate levels and limits in this resolution by up to
 12 \$1,545,000,000 in budget authority for fiscal year 2005,
 13 and by the amount of outlays flowing therefrom in 2005
 14 and subsequent years, for a bill, amendment, motion, or
 15 conference report that provides additional fiscal year 2005
 16 discretionary appropriations, in excess of the levels pro-
 17 vided in this resolution, for the programs at the Depart-
 18 ment of Homeland Security.

19 **SEC. 515. STATE HOMELAND SECURITY GRANT PROGRAM.**

20 It is the sense of the Senate that, of the funds for
 21 the Department of Homeland Security, \$800,000,000
 22 shall be allocated for the State Homeland Security Grant
 23 program; \$250,000,000 for the Assistance to Firefighters
 24 Grant program; and \$275,000,000 for Port Security
 25 Grants. It is further the sense of the Senate that the State

1 Homeland Security Grant Program shall be increased by
2 \$220,000,000 in order to provide for a more equitable for-
3 mula for distributing funds.

4 **SEC. 516. STRATEGIC PETROLEUM RESERVE.**

5 It is the sense of the Senate that the increased fund-
6 ing for the Homeland Security Department programs shall
7 come from the cancellation of planned future deliveries of
8 oil to the Strategic Petroleum Reserve.

9 **SEC. 517. SENSE OF THE SENATE CONCERNING A NA-**
10 **TIONAL ANIMAL IDENTIFICATION PROGRAM.**

11 (a) FINDINGS.—The Senate finds that—

12 (1) animal identification is important for oper-
13 ational management, herd health, and increased
14 trade opportunities;

15 (2) animal identification is a critical component
16 of the animal health infrastructure of the United
17 States;

18 (3) it is vital to the well-being of all people in
19 the United States to protect animal agriculture in
20 the United States by safeguarding animal health;

21 (4) the ability to collect information in a timely
22 manner is critical to an effective response to an im-
23 minent threat to animal health or food safety.

24 (b) SENSE OF THE SENATE.—It is the sense of the
25 Senate that the levels in this concurrent resolution assume

1 that in making appropriations and revenue decisions, the
 2 Senate supports—

3 (1) the development and implementation of a
 4 national animal identification program recognizing
 5 the need for resources to carry out the implementa-
 6 tion of the plan;

7 (2) the provision by the Secretary of Agri-
 8 culture of a time-line for the development and imple-
 9 mentation of the program as soon as practicable
 10 after the date of approval of this concurrent resolu-
 11 tion;

12 (3) the provision by the Secretary of Agri-
 13 culture to ensure the Animal and Plant Health In-
 14 spection Service, State animal health agencies, and
 15 agricultural producers are provided funds necessary
 16 to implement a national animal identification pro-
 17 gram; and

18 (4) the establishment of a program that is not
 19 overly burdensome to agricultural producers and en-
 20 sures the privacy of information of agricultural pro-
 21 ducers.

22 **SEC. 518. SENSE OF THE SENATE REGARDING CONTRIBU-**
 23 **TIONS TO THE GLOBAL FUND TO FIGHT AIDS,**
 24 **TUBERCULOSIS, AND MALARIA.**

25 (a) FINDINGS.—The Senate finds that—

1 (1) the United States—

2 (A) helped establish The Global Fund to
3 Fight AIDS, Tuberculosis, and Malaria (re-
4 ferred to in this section as the “Fund”);

5 (B) provided its first donation; and

6 (C) provides leadership to the Fund under
7 Fund Board Chairman Tommy Thompson, Sec-
8 retary of the Department of Health and
9 Human Services;

10 (2) as a complement to the President’s historic
11 15-country AIDS initiative, the Fund provides re-
12 sources to fight AIDS, tuberculosis, malaria, and re-
13 lated diseases around the world;

14 (3) section 202 of the United States Leadership
15 Against HIV/AIDS, Tuberculosis, and Malaria Act
16 of 2004 (22 U.S.C. 7622) authorizes contributions
17 to the Fund to the extent that United States con-
18 tributions do not exceed 33 percent of all contribu-
19 tions to the Fund, allowing the United States to
20 contribute \$1 for every \$2 contributed by other
21 sources.

22 (4) during fiscal years 2001 through 2003, the
23 United States provided \$623,000,000 of the total
24 contributions of \$1,900,000,000 to the Fund, which

1 represents approximately $\frac{1}{3}$ of total contributions to
2 the Fund;

3 (5) Congress has appropriated \$547,000,000 to
4 the Fund for fiscal year 2004, which has been
5 matched by confirmed pledges of \$994,000,000, and
6 is slightly more than $\frac{1}{3}$ of total pledges, with addi-
7 tional pledges expected;

8 (6) over the life of the Fund, Congress has ap-
9 propriated sufficient amounts to match contributions
10 from other sources to The Global Fund to Fight
11 AIDS, Tuberculosis, and Malaria on a 1-to-2 basis;
12 and

13 (7) transparency and accountability are critical
14 to fund grant-making and the United States should
15 work with foreign governments and international or-
16 ganizations to support the Fund's efforts to use its
17 contributions most effectively.

18 (b) SENSE OF THE SENATE.—It is the sense of the
19 Senate that this concurrent resolution and subsequent ap-
20 propriations Acts should provide sufficient funds to con-
21 tinue matching contributions from other sources to The
22 Global Fund to Fight AIDS, Tuberculosis, and Malaria
23 on a 1-to-2 basis.

1 **SEC. 519. SENSE OF THE SENATE CONCERNING CHILD NU-**
2 **TRITION FUNDING.**

3 (a) FINDINGS.—The Senate finds that—

4 (1) Federal child nutrition programs have long
5 played a critical role in providing children in the
6 United States with quality nutrition from birth
7 through secondary school;

8 (2) recognizing the value of these benefits to
9 children in the United States, Congress has an en-
10 during tradition of bipartisan support for these pro-
11 grams;

12 (3) children in the United States are increas-
13 ingly at nutritional risk due to poor dietary habits,
14 lack of access to nutritious foods, and obesity and
15 diet-related diseases associated with poor dietary in-
16 take;

17 (4) many children in the United States who
18 would benefit from Federal child nutrition programs
19 do not receive benefits due to financial or adminis-
20 trative barriers; and

21 (5) Federal child nutrition programs are ex-
22 pected to be reauthorized in the One Hundred
23 Eighth Congress.

24 (b) SENSE OF THE SENATE.—It is the sense of the
25 Senate that the levels in this concurrent resolution assume
26 that in making appropriations and revenue decisions, the

1 Senate supports the retention in the conference report for
 2 this concurrent resolution of the additional funds provided
 3 in this concurrent resolution for the reauthorization of
 4 Federal child nutrition programs.

5 **SEC. 520. SENSE OF THE SENATE REGARDING COMPENSA-**
 6 **TION FOR EXPOSURE TO TOXIC SUBSTANCES**
 7 **AT THE DEPARTMENT OF ENERGY.**

8 (a) FINDINGS.—The Senate finds the following:

9 (1) The Energy Employees Occupational Illness
 10 Compensation Program Act of 2000 (42 U.S.C.
 11 7384 et seq.) (referred to in this section as the
 12 “EEOICPA”) is intended to ensure the timely pay-
 13 ment of uniform and adequate compensation to cov-
 14 ered employees suffering from occupational illnesses
 15 incurred during their work for the Department of
 16 Energy.

17 (2) The Department of Labor is responsible for
 18 implementing the provisions under subtitle B of the
 19 EEOICPA, relating to claims for radiation related
 20 cancers, beryllium disease, and silicosis. The Depart-
 21 ment of Labor has, within its area of responsibility,
 22 processed over 95 percent of the 52,000 claims it
 23 has received, and is processing these claims in an av-
 24 erage of 73 days.

1 (3) As of the date of enactment of this resolu-
2 tion, the Department of Health and Human Services
3 has not promulgated the regulations required under
4 section 3626 of the EEOICPA for allowing claim-
5 ants to petition to be members of the Special Expo-
6 sure Cohort. Special Exposure Cohorts provide a
7 presumption in favor of the claimant for radiation
8 related cancers if—

9 (A) it is not feasible to estimate radiation
10 dose with sufficient accuracy; and

11 (B) there is a reasonable likelihood that
12 the health of the class of workers may have
13 been endangered.

14 (4) The Department of Energy, which is re-
15 sponsible for implementing subtitle D of the
16 EEOICPA, relating to occupational illness caused by
17 exposure to toxic substances at Department of En-
18 ergy facilities, finalized its regulations on August 14,
19 2002. The Department of Energy has processed 1
20 percent of the 22,000 claims received through the
21 Department of Energy physicians panels since its
22 regulations were made final.

23 (5) The Department of Energy has no willing
24 payor for up to 50 percent of the claims that its
25 physicians panels determine to be related to expo-

1 sure to a toxic substance at the Department of En-
 2 ergy. As a consequence, many claimants with a posi-
 3 tive determination from the physicians panel will be
 4 denied benefits. Many States, including Alaska, Col-
 5 orado, Iowa, Kentucky, Missouri, Ohio, New Mexico,
 6 Idaho, and Nevada, may not have a willing payor.

7 (b) SENSE OF THE SENATE.—It is the sense of the
 8 Senate that—

9 (1) claims for occupational illness, which are
 10 determined to be caused by exposure to toxic sub-
 11 stances at Department of Energy facilities under
 12 subtitle D of the EEOICPA, should be promptly, eq-
 13 uitably, and efficiently compensated;

14 (2) administrative and technical changes should
 15 be made to the EEOICPA to—

16 (A) improve claims processing and review
 17 by physicians panels to ensure cost-effective and
 18 efficient consideration and determination of
 19 workers' claims;

20 (B) provide for membership in additional
 21 special exposure cohorts; and

22 (C) address eligibility issues at facilities
 23 with residual radiation; and

24 (3) the President and Congress should work to-
 25 gether at the earliest opportunity to develop a plan

1 that effectively resolves the issue of a lack of a will-
 2 ing payor for many claims that are determined
 3 under subtitle D of the EEOICPA to be related to
 4 exposure to a toxic substance at Department of En-
 5 ergy facilities.

6 **SEC. 521. SENSE OF THE SENATE REGARDING TAX INCEN-**
 7 **TIVES FOR CERTAIN RURAL COMMUNITIES.**

8 It is the sense of the Senate that if tax relief meas-
 9 ures are passed in accordance with the assumptions in this
 10 resolution in this session of Congress, such legislation
 11 should include—

12 (1) tax and other financial incentives, similar to
 13 those included in the New Homestead Act (S. 602),
 14 to help rural communities fight the economic deci-
 15 mation caused by chronic out-migration by giving
 16 such communities the tools they need to attract indi-
 17 viduals to live and work, or to start and grow a busi-
 18 ness, in such rural areas, and

19 (2) revenue provisions which fully offset the
 20 cost of such tax and other financial incentives.

21 **SEC. 522. SENSE OF THE SENATE CONCERNING SUMMER**
 22 **FOOD PILOT PROJECTS.**

23 It is the sense of the Senate that the levels in this
 24 concurrent resolution assume that in making appropria-
 25 tions and revenue decisions in Function 600 (Income Se-

1 curity), the Senate supports the provision, to the Food and
2 Nutrition Service and other appropriate agencies within
3 the Department of Agriculture, of \$15,000,000 for fiscal
4 year 2005, and \$127,000,000 for the period of fiscal years
5 2005 through 2009, to enable those agencies to expand
6 the summer food pilot projects established under section
7 18(f) of the Richard B. Russell National School Lunch
8 Act (42 U.S.C. 1769(f)) to all States of the United States
9 and to all service institutions (including service institu-
10 tions described in section 13(a)(7) of that Act).

Passed the Senate March 12 (legislative day, March
11), 2004.

Attest:

Secretary.

108TH CONGRESS
2D Session

S. CON. RES. 95

CONCURRENT RESOLUTION

Setting forth the congressional budget for the
United States Government for fiscal year 2005
and including the appropriate budgetary levels
for fiscal years 2006 through 2009.